

EXHIBIT 40

Total Costs: Litigation-Patent Infringement by Location

Litigation-Patent Infringement <\$1M End of Discovery (000s) by Location (Q40a)

	Location														
	Total	Boston CMSA	NYC CMSA	Phila CMSA	Wash, DC CMSA	Other East	Metro South- east	Other South- east	Chicago CMSA	Minne- St. Paul PMSA	Other Central	Texas	L.A. CMSA	S.F. CMSA	Other West
Number of Respondents	357	21	31	12	46	17	15	16	25	12	51	38	15	23	35
Mean (Average)	\$498	\$381	\$615	\$446	\$754	\$499	\$387	\$573	\$590	\$371	\$287	\$414	\$493	\$611	\$467
First Quartile 25%	\$200	\$200	\$250	\$250	\$250	\$150	\$200	\$263	\$213	\$163	\$100	\$200	\$100	\$250	\$120
Median (Midpoint)	\$350	\$300	\$350	\$375	\$475	\$400	\$300	\$400	\$500	\$250	\$250	\$363	\$400	\$400	\$220
Third Quartile 75%	\$500	\$500	\$750	\$500	\$1,000	\$650	\$600	\$913	\$800	\$563	\$350	\$500	\$700	\$750	\$500

Litigation-Patent Infringement <\$1M Inclusive, all costs (000s) by Location (Q40b)

	Location														
	Total	Boston CMSA	NYC CMSA	Phila CMSA	Wash, DC CMSA	Other East	Metro South- east	Other South- east	Chicago CMSA	Minne- St. Paul PMSA	Other Central	Texas	L.A. CMSA	S.F. CMSA	Other West
Number of Respondents	351	20	30	12	45	17	15	16	25	13	48	37	16	24	33
Mean (Average)	\$967	\$785	\$1,258	\$729	\$1,309	\$1,028	\$685	\$949	\$1,004	\$635	\$639	\$802	\$1,169	\$1,393	\$893
First Quartile 25%	\$400	\$600	\$481	\$388	\$500	\$410	\$350	\$600	\$375	\$240	\$263	\$500	\$213	\$500	\$225
Median (Midpoint)	\$650	\$650	\$750	\$500	\$750	\$600	\$750	\$750	\$800	\$400	\$500	\$700	\$700	\$750	\$500
Third Quartile 75%	\$1,200	\$1,000	\$2,000	\$1,000	\$2,000	\$1,250	\$850	\$1,475	\$1,350	\$1,075	\$750	\$1,000	\$1,500	\$1,875	\$900

Litigation-Patent Infringement \$1-\$25M End of Discovery (000s) by Location (Q40c)

	Location														
	Total	Boston CMSA	NYC CMSA	Phila CMSA	Wash, DC CMSA	Other East	Metro South- east	Other South- east	Chicago CMSA	Minne.- St. Paul PMSA	Other Central	Texas	L.A. CMSA	S.F. CMSA	Other West
Number of Respondents	430	27	47	13	50	17	20	17	31	17	50	49	20	35	37
Mean (Average)	\$1,794	\$1,756	\$2,111	\$1,454	\$2,245	\$1,538	\$1,683	\$1,304	\$1,628	\$1,862	\$1,047	\$1,926	\$1,781	\$2,553	\$1,560
First Quartile 25%	\$750	\$950	\$750	\$600	\$975	\$350	\$563	\$575	\$1,000	\$1,200	\$500	\$1,050	\$400	\$1,500	\$450
Median (Midpoint)	\$1,500	\$2,000	\$1,500	\$1,300	\$2,000	\$1,200	\$1,375	\$1,200	\$1,500	\$1,500	\$750	\$2,000	\$1,500	\$2,500	\$1,000
Third Quartile 75%	\$2,500	\$2,500	\$3,000	\$2,250	\$3,500	\$2,750	\$2,875	\$1,700	\$2,000	\$2,500	\$1,275	\$2,500	\$2,875	\$3,500	\$2,500

Total Costs: Litigation-Patent Infringement by Location

Litigation-Patent Infringement \$1-\$25M Inclusive, all costs (000s) by Location (Q40d)

	Location														
	Total	Boston CMSA	NYC CMSA	Phila CMSA	Wash. DC CMSA	Other East	Metro South- east	Other South- east	Chicago CMSA	Minne.- St. Paul PMSA	Other Central	Texas	L.A. CMSA	S.F. CMSA	Other West
Number of Respondents	432	27	47	12	51	18	21	17	31	17	52	46	20	37	36
Mean (Average)	\$3,109	\$3,913	\$3,797	\$2,221	\$3,743	\$2,826	\$2,802	\$2,084	\$2,706	\$3,124	\$1,953	\$3,217	\$3,041	\$4,116	\$2,683
First Quartile 25%	\$1,500	\$2,000	\$2,000	\$775	\$2,250	\$938	\$1,250	\$950	\$1,500	\$1,700	\$920	\$2,375	\$1,175	\$2,500	\$825
Median (Midpoint)	\$2,500	\$4,000	\$3,000	\$1,900	\$3,200	\$1,700	\$2,500	\$2,000	\$2,500	\$2,500	\$1,500	\$3,000	\$3,000	\$4,000	\$2,000
Third Quartile 75%	\$4,500	\$6,500	\$5,000	\$3,063	\$5,000	\$5,000	\$4,125	\$2,575	\$3,500	\$4,250	\$2,188	\$4,000	\$4,000	\$5,500	\$4,575

Litigation-Patent Infringement >\$25M End of Discovery (000s) by Location (Q40e)

	Location														
	Total	Boston CMSA	NYC CMSA	Phila CMSA	Wash, DC CMSA	Other East	Metro South- east	Other South- east	Chicago CMSA	Minne.- St. Paul PMSA	Other Central	Texas	L.A. CMSA	S.F. CMSA	Other West
Number of Respondents	398	29	47	14	43	11	11	11	30	16	46	47	21	39	33
Mean (Average)	\$3,731	\$3,407	\$4,798	\$2,975	\$4,640	\$2,685	\$2,918	\$2,509	\$3,955	\$3,347	\$2,104	\$3,735	\$4,367	\$4,690	\$3,367
First Quartile 25%	\$2,000	\$1,750	\$2,500	\$950	\$2,000	\$1,500	\$600	\$1,000	\$2,375	\$2,000	\$788	\$2,500	\$1,600	\$3,000	\$875
Median (Midpoint)	\$3,000	\$3,000	\$4,000	\$2,250	\$4,500	\$2,500	\$3,500	\$3,000	\$3,500	\$2,500	\$2,000	\$3,500	\$3,500	\$4,000	\$3,000
Third Quartile 75%	\$5,000	\$4,750	\$7,000	\$4,625	\$6,000	\$4,500	\$4,500	\$3,500	\$5,000	\$4,000	\$3,000	\$5,000	\$6,000	\$6,000	\$5,000

Litigation-Patent Infringement >\$25M Inclusive, all costs (000s) by Location (Q40f)

	Location														
	Total	Boston CMSA	NYC CMSA	Phila CMSA	Wash, DC CMSA	Other East	Metro South- east	Other South- east	Chicago CMSA	Minne.- St. Paul PMSA	Other Central	Texas	L.A. CMSA	S.F. CMSA	Other West
Number of Respondents	405	30	48	14	43	11	12	12	29	17	46	47	20	42	34
Mean (Average)	\$6,250	\$6,692	\$7,867	\$4,839	\$7,174	\$4,208	\$4,883	\$3,750	\$6,262	\$5,565	\$3,626	\$6,120	\$7,610	\$7,511	\$6,718
First Quartile 25%	\$3,500	\$3,500	\$5,000	\$1,888	\$4,000	\$2,000	\$1,875	\$2,750	\$3,750	\$3,550	\$1,800	\$4,000	\$4,000	\$5,000	\$2,225
Median (Midpoint)	\$5,500	\$7,000	\$7,000	\$3,500	\$7,000	\$3,000	\$5,000	\$3,875	\$5,000	\$5,000	\$3,000	\$6,000	\$6,000	\$7,000	\$5,250
Third Quartile 75%	\$8,000	\$9,000	\$10,000	\$10,000	\$9,000	\$6,000	\$7,775	\$4,900	\$8,000	\$7,000	\$4,125	\$7,500	\$11,500	\$10,000	\$9,250